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Individuals and States as Democratic Subjects

Derk Bienen, Volker Rittberger
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Meaningful politics has been transferred increasingly from the national to the international arena. Substantively, more national control over public policy making cannot be regained, short of impairing certain desired outcomes—if it can be regained at all. Day-to-day activities within nations increasingly bear the mark of events occurring across the world and they generate their own global reverberations as well. The scope of national (democratic) decision making seems like it will diminish in the future. Yet in the long run, international policy making will require democratic legitimacy.

This claim stems from two arguments. First, a causal relation exists between legitimacy and effectiveness. The legitimacy of international institutions must be enhanced because those that lack legitimacy seldom act effectively over the long run. Second, since democracy has become a universal value, any institution making substantive decisions faces demands for democratic procedures.

As the role of international institutions in global governance grows, so too do democratic expectations. Reforms of international organizations must promote democracy not merely effectiveness. Thus, we must better conceptualize democracy at the international level. We'll do so here by focusing on the U.N. system.

Governance above the national level, and particularly governance as high as the global level, raises special considerations. Four characteristics of international governance hold particular importance: the presence of governance without government; the distance between the rulers and the ruled; the role of heterogeneity and its barriers for consensus; and the dual subject-status of both states and individuals.

Internationally, there is no particular constitutional system of rule. No world state with a world government exists to be democratized. Yet considerable international politics does take place within international institutions. A network of international regimes and organizations helps states overcome anarchy in favor of collective action. By coordinating their policies, states can reap benefits that would be unavailable through unilateral strategies.

Likewise, decisions made by international institutions significantly affect the world's peoples. In this sense, people are governed by international regimes. The U.N. predominates among these institutions. It holds far reaching powers, especially over issues of peace and security. Given this status, the U.N. provides a good test for how far international democracy can be extended.

By the time ancient city-states had transformed into nation-states, the distance between decision makers and the people had already widened. In democratic nation-states, representative government provided a substitute for direct participation. International governance has created an even greater distance. This time, direct representation will not likely solve the problem since even it would have problems being extended to the global scale, except perhaps symbolically. Thus, we must consider alternatives to traditional concepts of representation.

On a global scale, those who are “governed” achieve their maximum heterogeneity. It encompasses all known political, social, and cultural groups. Hence, a collective identity of shared values and experiences will be minimal if it exists at all. Yet we often regard shared values as indispensable to attaining the consensus necessary for legitimate governance. Even national governments struggle to achieve collective identity, much less when it’s sought on the international level, especially under circumstances where most effective politics remains under national control.

The U.N. constitutes the institutional core of a complex system of international governance. It can be viewed as the top layer of a multi-layered system of rule. It includes two categories of subjects over which it makes decisions: states and individuals. The subjects of democracy hold rights and duties in a democratic system of rule. Their preferences must be aggregated into the decision-making process, and they will be responsible (at least collectively) for the decisions taken. Thus, we must first consider questions of representation.

The present U.N. conceptualizes only states as the subjects of democracy. As an international organization, the U.N. is based on a treaty signed by member states. In its major decision-making bodies, only states can articulate their interests and only state preferences shape the bargaining and influence the decisions. Permanent Security Council members certainly enjoy a status “more equal” than other states. But the General Assembly uses the “one state, one vote” principle, which provides an institutionalized version of territorial representation—every state, no matter its size, has the same voting power.

Since interdependence has blurred the distinction between domestic and international politics, we cannot conceptualize the latter as merely inter-state. Thus, critics of territorial representation argue that the U.N. should also be accountable to the member-state populations, that is to individuals. This requires that those populations be “given a voice” in the decision-making process.

The characteristics of global governance also represent the challenges that democracy must overcome to extend itself to the international level. Without a constitutional system of rule, “transparency” becomes difficult. The great distance between rulers and the ruled makes direct participation, and perhaps even representation, nearly impossible. Popular heterogeneity may impede the consensus needed to establish democratic rules at the international level. Finally, the dual subject-status of states and individuals multiplies the range of claims and demands.

Most definitions of democracy claim it is the “rule of the many” rather than the “rule of the few.” But that rule presumes an equality among the citizens, often institutionalized in constitutional law. Thus, the rule of the many

and the rule of law are closely intertwined. The "rule of the many according to the law" constitutes an essential democratic feature. Democracy at the international level must reflect this feature as well.

Because modern political theory has been tied conceptually to the nation-state, notions of international governance are still in their infancy. Thus, it remains difficult to reconcile with international democracy the aforementioned characteristics of distance and heterogeneity. In contrast, our fourth characteristic, the dual subject-status, has been familiar to both political theory and practice. A balance between territorial and electoral representation has been institutionalized in the world's federations, in some multi-ethnic states, and in the E.U.

From the perspective of classical international law, states rather than individuals have been the exclusive subjects. Yet this has been gradually changing since the end of World War II. Many international conventions are now binding on a state's conduct towards its population. Thus, individual rights have been indirectly acknowledged. States are no longer the only subjects of international law.

Far from merely an academic matter, the dual subject-status has played a role within the U.N. itself, especially in debates on reforms. For at least a decade, there have been calls to reform the U.N., reaching a peak on its 50th anniversary in 1995. While reform proposals have advocated a more democratic U.N., a theoretical debate has not yet taken place. Thus, the very meaning of democracy at the international level has hardly been explored, let alone elucidated. Regarding the aforementioned characteristics of international governance, neither the distance between the rulers and the ruled nor the heterogeneity among the ruled has been addressed by any reform proposal. But every proposal has, implicitly or explicitly, taken a position on the issue of the dual subject-status.

In examining the reform proposals, we can distinguish between those that seek a democratic order based on states as the subjects of democracy, and those based on individuals as the subjects of democracy. If we take states as the subjects of democracy, their equality—reflected in the "one state, one vote" principle—provides a general guideline: individuals in national democratic systems exercise equal numbers of votes despite their economic well-being, physical strength, and so forth. Likewise, states are considered to be equal, regardless of their population size, economic or military strength, their internal governance, and so forth. In this sense, we can see an analogy between individuals and states respectively, and between national democratic systems and the U.N.

But we cannot take the analogy too far. In contrast to national governance, international governance is based on minimal collective identity among its subjects. Decision making by simple majority, as the analogy with decision making in Westminster-type democracies would suggest, might therefore not be appropriate at the global level. For an outvoted minority to accept authoritative decision making by simple majority, a sense of collective identity is indispensable. To compensate for the missing collective identity, formal and informal rules should be devised to achieve a broad consensus and to prevent any state from becoming a permanent minority. Thus, consociational rather than Westminster-type democracy provides a more appropriate model of democracy when states are the subjects of democracy.

Our consideration of states as the subjects of democracy raises another issue. Security Council decision making obviously deviates from the principle of equality: the permanent members have the veto power. If we assume that power will remain, then how can we temper it by strengthening other U.N. organs in relation to the Security Council? Since it establishes an oligarchy among states, the veto power obviously contradicts both equality and democracy at the international level. Extending the veto to new permanent members, as proposed by Germany and Japan, would merely reshape the oligarchy, and thus cannot be considered a democratic reform. Will anything short of completely abolishing the veto be consistent with a truly democratic international system?

Other reform proposals presume that the Security Council should become more representative of diverse perspectives if its actions are to command respect around the world. Membership in the Security Council, for example, should be extended such as by increasing the number of non-permanent members and of permanent members without the veto. But again, these proposals would fail to change the Security Council oligarchy or to strengthen the members that have no veto.

Some reform proposals seek a system of “checks and balances” as a way of creating a different relationship between the Security Council and other U.N. organs, especially the General Assembly and the International Court of Justice (ICJ). The Permanent Five can block any changes in the Security Council, and even in the Charter generally. But the General Assembly can be strengthened without changing the Charter. And any Charter amendments will be much more likely to pass if they leave the Security Council unaffected.

Reform proposals involving the General Assembly generally seek to increase the Security Council’s accountability. For example, the second Conference on a More Democratic United Nations (CAMDUN) proposed a standing committee of the General Assembly consisting of 15 rotating, geographically representative members (not represented on the Security Council) that would evaluate the Council’s efforts. Accountability might also be enhanced by extending the reporting mechanisms. According to Art. 15.1 of the U.N. Charter, for example, the Security Council must report to the General Assembly. But thus far this has amounted merely to the Security Council presenting an annual report that the General Assembly rarely even discusses. Instead, without altering the Charter, this reporting requirement could be transformed into an opportunity for public debate, thus forcing the Council to justify its actions.

The Commission for Global Governance has made a similar proposal. It reminds us that the Uniting for Peace Resolution of 1950 enhanced the General Assembly’s power in relation to the Security Council by giving the Assembly the authority to break deadlocks in Council deliberations. This precedent could be used as part of the General Assembly’s revitalization as a universal forum for the world’s states. The Commission claims the General Assembly should institutionalize in-depth discussions of Security Council reports, regular consultations with the Council, and routine advice to the Council on humanitarian action and non-military peace operations.

Likewise, some proposals focus on the role of the ICJ. Some wonder whether some sort of judicial control of the Security Council can be institutionalized

within the U.N. According to the Charter, the Security Council's decisions are binding on all states. But these decisions must not be arbitrary: the Security Council "shall act in accordance with the Purposes and Principles of the United Nations" (Art. 24.2). The Charter does not indicate whether the ICJ, the U.N.'s "principal judicial organ" (Art. 92), has the power to review those decisions.

While the San Francisco founding conference offered the possibility that the ICJ would become the supreme organ of review, it was decided that each organ should interpret its own competence, in practice. In the case of *Libya vs. U.K./U.S.A.*, the ICJ implicitly indicated that its competence did not extend to supervising the Security Council when it acted under Chapter VII. But this leaves unclear what happens when the Council acts outside Chapter VII. The Commission on Global Governance does not claim the ICJ should review all Council decisions, but it does encourage the Council to make greater use of the ICJ as a legal adviser.

While the General Assembly and the ICJ have not interfered with Security Council matters, the concentration of power, especially in the hands of the permanent members, has been widely criticized. Thus, the legitimacy of Council decisions has already been damaged. This may provide an opportunity to impose some level of outside control on the Council, which would be a first step towards a more democratic process.

But others besides states have a legitimate claim for rights and duties under a democratic system. All present-day national democracies have individuals as their subjects. When we consider the role of individuals as subjects, it is not to suggest that we can simply replace states with individuals. Instead, we take for granted the existing U.N., comprised of constituent states. We seek only to "democratize" this state-centric system of rule by giving "the peoples of the U.N." a real voice in that organization.

Accordingly, the proposals for a U.N. Second Assembly, for example, attempt to increase individual representation at the U.N. level. Contrary to the current diplomatic representation at the U.N., Second Assembly members would be accountable not to their governments but rather to their electorates. Each national group of deputies would attempt to be politically, socially, and culturally representative of each of their peoples.

The proposals for a Second Assembly suggest different tasks and electoral methods for the organization, but they all share the aim of giving individuals a voice at the U.N. Typical of these proposals is the call by Erskine Childers and Brian Urquhart for a U.N. Parliamentary Assembly. This proposal uses the European Parliament (E.P.) as a model. As was the case during the E.P.'s early history, before its members were directly elected, the U.N. Parliamentary Assembly (P.A.) would be a subsidiary body of the General Assembly, and member-state parliaments would, in proportion to their populations, select representatives. The P.A. would then arrange for its conversion into a directly elected world parliamentary assembly. After several years of public debate, the Charter would be amended to establish the U.N. Parliamentary Assembly as a major organ.

The proposal further claims that the P.A. should be consulted by ECOSOC and the General Assembly, should discuss major draft resolutions before the

General Assembly votes on them and offer amendments and new policy proposals, and should offer opinions and hearings for other U.N. organs. Although traditional parliaments also have budgetary powers, Childers and Urquhart have left this out of their proposal, under the assumption that it will surely be opposed.

Considerable attention has been paid to representation in the Second Assembly. Most observers agree that two tasks must be balanced: on the one hand, a state's representation should reflect its population size; and on the other hand, the political, social, and cultural diversity of even the smallest states should also be represented. To achieve this, representation rather than voting must be weighted. While they both seek differentiated voting powers among small and large countries (measured by population), they have an important difference. Weighted representation refers to differing delegation sizes whereas weighted voting means differing numbers of votes for the delegations. Therefore, only the former ensures the representation of a state's diversity.

One characteristic of international governance poses a particular problem for a Second Assembly: the distance between the rulers and the ruled. The more differentiated the representation, the more delegates the assembly would have to include: it could easily reach several thousands. The costs and technical problems of such an assembly would likely be formidable as well.

The "one state, one vote" principle creates distortions between the representation of large and small countries. Now, 0.5% of the world's population casts more than 25% of General Assembly votes, in direct contradiction to democracy if individuals are taken as subjects. The General Assembly would become more democratic if the voting power of member states varied according to their population size.

In a strict democracy based on individuals as subjects, every person's vote would require the same weight. None of the reform proposals, however, supports such a strict interpretation since the inequality among state voting powers would be extreme with only five countries—China, Brazil, India, Indonesia, and the U.S.—casting an absolute majority. Thus, most proposals based on individuals as subjects of democracy employ mathematical methods to mitigate this inequality of voting powers.

Some proposals suggest other indicators by which to grant states different voting powers, such as GNP, share in world trade, and financial contributions to the U.N. But these indicators contradict the basic equality of persons, and cannot be derived from any concept of democracy based on the individual as the subject.

Simply weighing votes in the General Assembly to give individuals a voice in the U.N. suffers from another drawback: while a Second Assembly would, in principle, represent a country's political, social, and cultural diversity, weighted voting in the General Assembly still only represents the country's government.

The present U.N. system includes only states as its constituent units. Each state has the same voting power in the General Assembly. Within that state-centric system, the "rule of the many according to the law" could be

enhanced by strengthening the General Assembly's position in relation to the Security Council, and by increasing judicial control of Council decision making.

But international democracy could be enhanced primarily by complementing the "one state, one vote" principle of territorial representation with a "one person, one vote" principle of electoral representation. The "one person, one vote" principle will not likely be strictly realized since smaller communities would cease being represented. So far, none of the representation proposals promotes "one person, one vote" in its strictest sense.

The "one person, one vote" principle can be institutionalized at the U.N. in one of two ways. It can happen by creating a new institution based on some kind of electoral representation, or by reforming an existing institution in the spirit of the "one person, one vote" principle. The demand for a U.N. Second Assembly illustrates the former while the call for weighted voting in the General Assembly illustrates the latter.

The Second Assembly, however, presupposes that the member states themselves have a democratic system. Otherwise, the election of parliamentarians, and even their delegation from national parliaments, does not make much sense. Also, if many states have a non-democratic system of rule, the weighting of votes in the General Assembly may also yield democratically undesirable results. This would create a paradoxical situation: a strengthening of democracy at the international level that actually weakens democracy at the national level.

Reversing the thesis that a state cannot be democratic within a non-democratic international system, we can argue that democracy at the international level cannot exist if its subjects—states, in this case—are not democracies themselves. It can hardly be considered democratic if a majority of representatives from non-democratic states can out-vote the representatives from democracies.

Thus, the debate on U.N. reform proposals must consider the systems of political rule that characterize its constituent units. Recent processes of democratization have increased the number of democratic states, especially in Africa, Eastern Europe, and Latin America. According to the 1995 Freedom House Report, 117 of 191 states can be considered democratic, at least in formal structures, with 54% of the world's population living under democratic regimes.

While no longer a majority, the non-democratic states remain in a strong position, including the one billion people living under an authoritarian regime in China. Also, many states are really only "semi-democracies," and thus should not be counted on either side. Much work remains, therefore, in promoting genuine democratic governance at the national level. But as the most important strategy for promoting, in turn, democratic governance at the international level, it is work that must be done.

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